

Application N .: 10/027,218

Case No.: 54913US111

Remarks

Claims 1 to 23 are pending. Claims 1 and 18-23 are amended.

§ 112 Rejections

Claims 18-23 stand rejected under 35 USC § 112, first paragraph, because the specification, while being enabling for a method of inducing biosynthesis of INF- α and TNF- α , allegedly does not reasonably provide enablement for a method of inducing biosynthesis of other cytokines. Applicants have amended these claims to specify INF- α and TNF- α cytokines. The Amendment, presented here to progress prosecution, was not earlier presented because it was believed that previously presented arguments were sufficient to overcome the grounds of rejection. Applicants reserve the right to prosecute the original claims in a continuing application. Accordingly, Applicants respectfully request that this rejection be withdrawn.

§ 102 Rejections

Claims 1-3 and 18 stand rejected under 35 USC § 102(e) as being anticipated by U.S. Pat. No. 6,069,149 (Nanba), allegedly because the term "substituted aryl", although defined in the specification, is not defined in the claim, and therefore must be interpreted broadly, thereby causing the claim to read on the Nanba compounds. For purposes of clarification and to progress prosecution, claim 1 has been amended to include the language found in the specification (at page 29, lines 5-12). The Amendment was not earlier presented because it was believed that previously presented arguments were sufficient to overcome the grounds of rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim Objections

Claims 4-17 are said to be objected to as being dependent upon a rejected base claim. However, claims 4-17 are not dependent upon any of the rejected claims. Accordingly, Applicants respectfully request that this objection be withdrawn.

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In view of the above, it is submitted that the application is in condition for allowance.
Reconsideration of the application is respectfully requested.

Allowance of claims 1-23, as amended, at an early date is solicited.

Respectfully submitted,

Date

By: _____

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